

TWENTY-THIRD DAY
(Thursday, February 28, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejeda, Truan, Turner, Zaffirini.

Absent-excused: Bivins, Johnson, Whitmire.

A quorum was announced present.

The Reverend James Mayfield, Tarrytown United Methodist Church, Austin, offered the invocation as follows:

O God, we are thankful the war in the Gulf has ended. May the peace be one that brings healing and justice tempered with mercy. May the families of all those who were killed discover the strength to face what they must face and the power to move on with hope. May those who will live the rest of their lives with physical and psychological wounds have courage and be protected from bitterness.

We are grateful for our nation and all those who strive to make our nation what You want it to be, especially those who labor in this place. May these men and women who are the Senate or who work for the Senate be sensitive to Your presence in their lives and in their labor. In the midst of all the pressures and stress they must endure, help them to be their best selves and to do their best work. And in their dealing with power and with those who are powerful, may they have the compassion, the sensitivity and the courage to act on behalf of those with little or no power in our State.

O God, trusting Your wisdom and love will finally prevail, we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Whitmire was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Bivins was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Johnson was granted leave of absence for today on account of important business on motion of Senator Brooks.

CO-AUTHOR OF SENATE BILL 348

On motion of Senator Zaffirini and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 348.

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CO-AUTHOR OF SENATE BILL 350

On motion of Senator Zaffirini and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 350**.

CO-AUTHOR OF SENATE BILL 550

On motion of Senator Krier and by unanimous consent, Senator Barrientos will be shown as Co-author of **S.B. 550**.

MESSAGE FROM THE HOUSE

House Chamber
February 28, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 27, Proclaiming March 5 and 6, 1991, to be Marshall Days in Texas.

H.C.R. 87, Honoring Austin on Tap, Inc.

H.C.R. 84, Commending L. G. "Dusty" and Helen Rhodes for their generosity and commitment to the well-being of the children of their community.

H.C.R. 81, Honoring Gregory Hines for the gift of his time and talent.

H.C.R. 97, Honoring Pastor Charles Lewis Jackson on his exemplary record of achievement.

S.C.R. 49, Lauding the observance of Black History Month and requesting and directing the State Preservation Board of Texas to explore opportunities to revere and honor some of the outstanding historical figures from all ethnic cultures with regard to new monuments that are placed on the Capitol grounds.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

GUEST PRESENTED

Senator Dickson was recognized and introduced Mr. Carl Andersen, Director of the Center for the Study of Addiction at Texas Tech University.

The Senate welcomed Mr. Andersen.

REPORTS OF STANDING COMMITTEES

Senator Dickson submitted the following report for the Committee on Economic Development:

S.B. 366

S.B. 241

C.S.S.B. 310

Senator Montford submitted the following report for the Committee on Finance:

C.S.S.B. 385

HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

H.B. 169, To Committee on Economic Development.

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.J.R. 25 by Green Finance
Proposing a constitutional amendment authorizing the legislature to exempt from property taxes certain wetlands.

S.B. 628 by Lyon Jurisprudence
Relating to the jurisdiction of the county courts at law in Smith County.

S.B. 629 by Barrientos Education
Relating to required financial reports of life insurance or annuity companies under the optional retirement program.

S.B. 630 by Montford, Dickson State Affairs
Relating to the issuance of a commercial driver's license and certain information required to be provided by the Department of Public Safety; providing penalties.

S.B. 631 by Green, Haley Economic Development
Relating to regulation of persons transporting newspapers, newspaper supplements, or magazines for recycling.

S.B. 632 by Green State Affairs
Relating to disclosure of information by applicants for employment in apartments, hotels, and subsidized housing; and providing a criminal penalty.

S.B. 633 by Green Finance
Relating to the exemption from ad valorem taxes of open space wetlands.

S.B. 634 by Green Natural Resources
Relating to the location of a municipal solid waste landfill in certain counties.

S.B. 635 by Green Education
Relating to the establishment of the Texas baccalaureate education system trust.

S.B. 636 by Parker Economic Development
Subcommittee on Insurance
Relating to coverage of pharmaceutical services under certain health insurance policies.

(Senator Tejeda in Chair)

SENATE CONCURRENT RESOLUTION 56

Senator Green offered the following resolution:

WHEREAS, With a deep sense of pride in our country and the men and women of the United States Armed Forces not seen since V-J Day, Americans are jubilantly celebrating the successful conclusion of Operation Desert Storm; and

WHEREAS, Few remained unmoved as we watched our intrepid young men and women prepare for the unknown terrors of a possibly lengthy desert war; and

WHEREAS, In cities across our land, citizens displayed yellow ribbons everywhere in a moving and heartfelt outpouring of support for these soldiers; and

WHEREAS, Leaving behind families and homes, these gallant warriors were ready to sacrifice their lives to defend the principles of freedom and democracy; and

WHEREAS, Electing to serve their country, these young men and women have proven themselves to be patriots of the highest order; and

WHEREAS, Motivated by their commitment to our American heritage and imbued with a deep love of country, many young Texans joined their comrades in arms to defend Kuwait against unwarranted aggression; and

WHEREAS, Wednesday, February 27, 1991, will long be remembered as the day Americans learned they had successfully thwarted the evil designs of a foreign dictator and helped free subjugated people; and

WHEREAS, The Members of the Texas Legislature are privileged to join their voices to the spontaneous groundswell of praise for the men and women who liberated Kuwait; now, therefore, be it

RESOLVED, That the 72nd Legislature of the State of Texas hereby commend the men and women from across this nation who served their country during Operation Desert Storm; and, be it further

RESOLVED, That a copy of this Resolution be entered in the Journal of the Senate and the Journal of the House as an expression of the sentiment of the Texas Legislature.

The resolution was read.

On motion of Senator Barrientos and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Green and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE CONCURRENT RESOLUTION 43 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution were suspended to consider at this time on its second reading:

C.S.S.C.R. 43, Directing the State Preservation Board to declare as surplus property the gazebo currently located on the southeast grounds of the Capitol and transfer that property to the City of Bronte.

The resolution was read second time and was adopted by a viva voce vote.

CAPITOL PHYSICIAN

Senator Armbrister was recognized and presented Dr. F. L. Merian of Yoakum as the "Doctor for the Day."

The Senate welcomed Dr. Merian and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

(President in Chair)

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Barrientos.

Senator Barrientos moved confirmation of the following nominees reported by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations on February 5, 1991, were confirmed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Johnson, Whitmire.

Members, Texas Department of Commerce: ALAN R. KAHN, Dallas County; J. JORGE VERDUZCO, Webb County.

NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations on February 25, 1991, were confirmed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Johnson, Whitmire.

Member, Texas Commission for the Deaf: MS. TEXANA FAULK CONN, Travis County.

Member, State Property Tax Board: ROY ORR, Dallas County.

Member, Texas Public Finance Authority: MARC R. STANLEY, Dallas County.

Members, Texas Racing Commission: MS. ANNE DUNIGAN-WILSON, Taylor County; MS. PATRICIA HARLOW PANGBURN, Tarrant County.

Members, State Board of Plumbing Examiners: ALONZO L. STARKEY III, Kerr County; MICHAEL JOSEPH WARREN, Tarrant County.

District Attorney of the 52nd Judicial District Court, Coryell County: MS. SANDY S. GATELY, Coryell County.

Member, Department of Information Resources: JOHN KEEL, Travis County.

Member, Underground Storage Tank Advisory Committee: RAFAEL ORTEGA, Harris County.

Member, Texas State Library and Archives Commission: BYRON LOUIS LeFLORE, Bexar County.

SENATE RULE 14.02 SUSPENDED

On motion of Senator Barrientos and by unanimous consent, Senate Rule 14.02 was suspended in order that the Senate might consider the appointments of February 27, 1991.

NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations on February 27, 1991, were confirmed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Johnson, Whitmire.

Member, Texas Employment Commission: MS. MARY SCOTT NABERS, Travis County.

Member, Texas Board of Private Investigators and Private Security Agencies: MRS. BRENDA H. COLLIER, Collin County.

Members, Texas Committee on Purchases of Products and Services of the Blind and Severely Disabled Persons: JOHN ALBERT FENOGLIO, Williamson County; ROGER G. WELSCH, Travis County.

Member, Board of Trustees, Texas County and District Retirement System: MRS. KATHY HYNSON, Fort Bend County.

Member, State Board of Plumbing Examiners: JERRY D. MOORE, Angelina County.

CONFIRMATION POSTPONED

Senator Barrientos laid before the Senate the nomination of JACK M. RAINS, to be a Member of the Board of Directors, Texas Department of Commerce. Mr. Rains was reported from the Committee on Nominations on February 25, 1991, with no recommendation.

Senator Brown moved that further consideration on the appointment of Mr. Rains be postponed until Monday, March 4, 1991.

Senator Dickson offered a substitute motion that further consideration of Mr. Rains' appointment be Set As Special Order for Monday, March 4, 1991, at 2:00 p.m.

On motion of Senator Dickson and by unanimous consent, the motion to Set As Special Order was withdrawn.

Question recurring on the motion to postpone further consideration on the appointment of JACK M. RAINS, to be a Member of the Board of Directors, Texas Department of Commerce, the motion prevailed by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 166 ON SECOND READING

Senator Zaffirini moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 166 be taken up for consideration at this time:

C.S.S.B. 166, Relating to certain polygraph examinations.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Johnson, Whitmire.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 166 ON THIRD READING

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 166 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Johnson, Whitmire.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 152 ON SECOND READING

Senator Harris of Tarrant moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that S.B. 152 be taken up for consideration at this time:

S.B. 152, Relating to the enforcement of judgments for past-due child support payments.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Johnson, Whitmire.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 152 ON THIRD READING

Senator Harris of Tarrant moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 152** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Johnson, Whitmire.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 156 ON SECOND READING**

Senator Harris of Tarrant moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 156** be taken up for consideration at this time:

C.S.S.B. 156, Relating to an exemption from jury service for the primary caretaker of certain persons in need of continuous personal supervision and care.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Johnson, Whitmire.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 156 ON THIRD READING**

Senator Harris of Tarrant moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 156** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Johnson, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 141 ON SECOND READING**

Senator Green moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 141** be taken up for consideration at this time:

C.S.S.B. 141, Relating to the authority of certain courts to waive the requirement that a marriage ceremony may not take place sooner than 72 hours after the issuance of a marriage license.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Johnson, Whitmire.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 141 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 141** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Johnson, Whitmire.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 443 ON SECOND READING

Senator Brooks moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 443** be taken up for consideration at this time:

S.B. 443, Relating to an exemption of members of the state military forces and public security officers employed by the adjutant general from the prohibition against carrying certain weapons.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Johnson, Whitmire.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 443 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 443** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Johnson, Whitmire.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 345 ON SECOND READING**

Senator Zaffirini moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 345** be taken up for consideration at this time:

C.S.S.B. 345, Relating to informed consent for the immunization of a minor and to a limitation of liability for damages arising from the immunization.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Johnson, Whitmire.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 345 ON THIRD READING**

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 345 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Johnson, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0. (Same as previous roll call)

MEMORIAL RESOLUTIONS

S.R. 263 - By Glasgow: In memory of W. O. "Pinky" Chenault of Fort Worth.

S.R. 264 - By Glasgow: In memory of Stormie Jones of White Settlement, the world's first recipient of a heart and liver transplant.

S.R. 265 - By Glasgow: In memory of Dr. Melvin H. Henexson of Eastland.

S.R. 266 - By Glasgow: In memory of Clyde Wendell Wiley of Chico.

S.R. 267 - By Glasgow: In memory of Dr. John Franklin Prichard of Fort Worth.

S.R. 268 - By Glasgow: In memory of Clyde R. "Pete" McWilliams of Denton.

S.R. 269 - By Glasgow: In memory of Roy Parnell of Stephenville and Glen Rose.

S.R. 270 - By Glasgow: In memory of Barbara Boyle Putnam of Burleson.

S.R. 271 - By Glasgow: In memory of Glyndon M. Hague, Jr. of Cleburne.

S.R. 272 - By Glasgow: In memory of Simon Wilke Freese of Fort Worth.

CONGRATULATORY RESOLUTIONS

S.R. 273 - By Moncrief: Extending congratulations to Mr. and Mrs. Malcolm Brewer of Bryan on the occasion of their 25th wedding anniversary.

S.R. 274 - By Moncrief: Commending R. W. Jablonowski, Jr. of Fort Worth for his exceptional accomplishments and for his inestimable help to individuals in all walks of life.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:16 p.m. adjourned, in memory of Mrs. Emma Mueller of Post, Texas, until 11:00 a.m. Monday, March 4, 1991.

APPENDIX

Sent to Comptroller
(February 28, 1991)

S.B. 165

Sent to Governor
(February 28, 1991)

S.B. 103
S.B. 104
S.B. 165
S.B. 188

TWENTY-FOURTH DAY
(Monday, March 4, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

Dr. Bob Holloway, Acton United Methodist Church, Acton, offered the invocation as follows:

Eternal and loving God, as citizens of our State and servants in Your kingdom, we pause to remember that we are surrounded by Your gracious presence. We begin this session giving You thanks for the wisdom of Your created order, that within Your world You have provided resources for nurturing our spiritual and physical needs. We thank You for the blessings of freedom, the responsibility for choice, and the joy of service. We especially thank You for these persons who are gathered here out of their interest in and devotion to the well-being of the people of Texas. In their deliberations and decisions give them Your gift of wisdom that will enable them to recognize and fulfill Your just and compassionate will for Your children. Give them the peace of knowing as they struggle with difficult choices and heavy responsibilities that they are co-workers with You in Your continuing work of creation. For these leaders and for those of us who follow their leadership, bless us with Your transforming power that leads us to grow beyond self-interest to new understanding, that changes us from being seekers of convenience to being persons of compassion, and deliver us from a preoccupation with self-indulgence to a commitment to justice and mercy. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 28, 1991, was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 16

On motion of Senator Bivins and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 16.

CO-AUTHOR OF SENATE BILL 268

On motion of Senator Green and by unanimous consent, Senator Tejeda will be shown as Co-author of S.B. 268.